SPECIAL CITY COUNCIL MEETING MINUTES
CITY HALL, 291 N. MAIN STREET
PORTERVILLE, CALIFORNIA
JULY 31, 2012, 5:30 P.M.

Call to Order at 5:35 p.m.
Roll Call: Council Member Ward, Council Member Shelton, Council Member Hamilton, Vice Mayor McCracken, Mayor Gurrola

ORAL COMMUNICATIONS
None

CITY COUNCIL CLOSED SESSION:
A. Closed Session Pursuant to:
   1. Government Code Section 54956.9(c) – Conference with Legal Counsel – Anticipated Litigation – Initiation of Litigation: One case.

6:00 P.M. RECONVENE OPEN SESSION
REPORT ON ANY COUNCIL ACTION TAKEN IN CLOSED SESSION

City Attorney Lew reported that no reportable action took place in Closed Session.

Pledge of Allegiance Led by Mayor Virginia R. Gurrola
Invocation – none.

ORAL COMMUNICATIONS
None

PUBLIC HEARING
1. COMPREHENSIVE TEXT AMENDMENT TO THE PORTERVILLE MUNICIPAL CODE PERTAINING TO CHAPTER 21, DEVELOPMENT ORDINANCE

Recommendation: That the City Council:
   1. Approve the proposed amendments to the Development Ordinance and give first reading to the draft ordinance; and
   2. Waive further reading and order the Ordinance to print.

City Manager John Lollis introduced the item, and the staff report was presented by Community Development Director Brad Dunlap.

Following presentation of the staff report Mr. Dunlap lauded the efforts of the Technical Advisory Committee members, and noted that some members were present at the meeting. He added that an e-mail had been received from Mr. Dennis Townsend, which read as follows:

_“I am very pleased City staff has chosen to include architects, engineers and developers in the review process for the new ordinance. I believe it has helped hone the ordinance into a more user friendly and community specific document. Although there is still work to do, we are confident the City will continue to access the professional and development community for input and critique on the remaining sections and updates to the adopted portions as they_"
develop over the years. Thanks, Dennis.

The public hearing was opened at 6:34 p.m.

- Bob Keenan, President and CEO of the Tulare-Kings Counties Homebuilders Association, credited staff for initiating changes to streamline the process, and commented on work to be done relative to the open space requirements.

- Jim Winton, 1150 W. Morton, thanked staff for being accommodating while addressing concerns raised by committee members, and echoed comments of Mr. Keenan regarding work still to be done.

- Jason Moyes, Smee Builders, indicated that he agreed with comments made by Mr. Keenan and Mr. Winton, and thanked staff for working with developers to clarify the ordinance.

Vice Mayor McCracken made a motion to approve staff’s recommendation, which was seconded by Council Member Hamilton.

A discussion ensued about the open space requirements for small lot development, 201.04(c)(3). Vice Mayor McCracken and Council Member Hamilton spoke in favor of a discretionary approach. Mr. Dunlap indicated that staff had been working on language to address the concerns raised by the professionals with regard to the open space requirement, and provided the proposed language to the Council. It read as follows:

(3) **Open Space.** A minimum total open space area (including, but not limited to private yards, porches, balconies, and patios) of three hundred (300) square feet shall be provided on each lot. Also required are common open-space areas of two hundred (200) square feet per lot that provide usable and accessible open space for the recreation and outdoor enjoyment of the development’s residents and their guests. To qualify as common open space, the area(s) shall be centrally located, have a minimum usable width of twenty-five (25) feet, and be at least fifty (50) percent open to the sky and the common open space is not located on the lot served, but serves multiple lots. The requirement for common open space may be waived by the City Council subject to the following conditions:

a. The design accommodates five hundred (500) square feet of private open space on each individual lot,

b. The minimum dimension of the private open space is ten (10) feet, and

c. The subdivision is located within 1/4 mile of a park, school, or other available open space.

Council and staff then explored procedural options for amendments to the ordinance.

**COUNCIL ACTION:** MOVED by Vice Mayor McCracken, SECONDED by Council Member Hamilton that the City Council amend 201.04(c)(3) as proposed by staff. The motion carried unanimously.
Council Member Shelton inquired about the time needed for additional “tweaking”, and questioned the grouping of series for approval. Staff indicated that approval of the proposed series was being recommended in order to begin implementation of those series which have been reviewed and approved by the committee.

The Council took a ten minute recess at 7:01 p.m.

Council Member Shelton inquired about the absence of Government Offices in Downtown Mixed Use due to proximity to the new courthouse, and spoke in favor of their addition. Council Members Hamilton and Ward expressed concern with the potential loss of sales and property tax revenues which could result from the addition; and spoke in favor of increased retail.

At the request of Council Member Shelton, staff provided clarification regarding the Minimum Area per Dwelling Unit of 1,000 for RM-3 on Page 27, 201.03 Development Regulations, and variances.

COUNCIL ACTION: MOVED Council Member Shelton, SECONDED by Vice Mayor McCracken that the City Council approve the addition of Government Offices to the Downtown Mixed-Use district.

AYES: Shelton
NOES: Ward, Hamilton, McCracken, Gurrola
ABSTAIN: None
ABSENT: None

COUNCIL ACTION: Ordinance 1791
MOVED by Vice Mayor McCracken, SECONDED by Council Member Hamilton that the City Council adopt the draft ordinance, as amended, give first reading to the ordinance, waive further reading and order the Ordinance to print, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING THE PORTERVILLE MUNICIPAL CODE PERTAINING TO CHAPTER 21, DEVELOPMENT ORDINANCE – SERIES 100, 200, 600 AND 700 OF CHAPTER 21 OF THE MUNICIPAL CODE. The motion carried unanimously.

The City Manager read the Ordinance by title only.

Disposition: Approved, as amended.

The public hearing closed at 6:39 p.m.

ORAL COMMUNICATIONS
None

OTHER MATTERS
• Council Member Hamilton welcomed back Julie Phillips to the City of Porterville.
• Community Development Director Dunlap then formally introduced Julie Phillips who had recently been hired as City Planner.
• Council Member Ward reported that he had received two complimentary tickets to Freedom Fest, and had used one.
• Mayor Gurrola reported that she too had received two complimentary tickets but had not used them.
• Vice Mayor McCracken reported that he had presented the Day of the Cowboy proclamation at the event honoring the occasion and spoke of the turnout.

The Council reconvened in Closed Session

**ADJOURNMENT**
The Council adjourned at 7:32 p.m. to the meeting of August 7, 2012.

SEAL

Luisa M. Herrera, Deputy City Clerk

[signature]

Virginia R. Gurrola, Mayor

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